THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.281 of 2006

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DATED: 05-01-2006

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Between:

Smt. T.Katyayani Devi . . .Petitioner

and

The Chairman, A.P.Tribal Weflare Residential
Educational Institutions Society (Gurukulam),
Hyderabad and another . . .Respondents

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O R D E R:

This case represents the indifferent attitude on the part of an employee, who

defied all possible directions issued by the employer.

The petitioner is employed as Trained Graduate Teacher (TGT) (Physical Science) in the Andhra Pradesh Tribal Welfare Residential Educational Institutions Society. Till 02-07-2002, she was on deputation as Assistant Secretary (Academic) at the Head Office of the society. Through proceedings, dated 02-07-2002, she has been transferred to an institution at Somasila as a teacher in the existing vacancy. She did not report to duty at that place, on one pretext or the other. Having waited for two years, the respondents issued a charge memo, dated 13-07-2004, directing the petitioner to submit her explanation, within ten days as to why necessary disciplinary action shall not be initiated against her. Two articles of charges were annexed to it. She did not submit her explanation. She made a representation on 17-09-2004 requesting that she must be furnished with the copies of various documents mentioned therein, which are none other than the leave applications submitted by her. All the same, the disciplinary authority furnished the documents through memo, dated
15-02-2005.

The petitioner addressed another letter, dated 03-03-2005, with a request to furnish some more documents. The Enquiry Officer required the petitioner to attend to an enquiry on 07-10-2005. When the notice, dated 30-09-2005, could not be served upon her through post, they sent it through messenger and served it on 16-10-2005. Despite the same, she did not participate in the enquiry. Left with no alternative, the Enquiry Officer submitted his report holding that the charges against the petitioner are proved. Taking the same into account, the second respondent issued a show cause notice, dated 15-12-2005 (typed as 15-12-2004), requiring the petitioner to submit her explanation, within 15 days from the date of receipt of the same. The petitioner states that she received the notice on
26-12-2005.

Learned counsel for the petitioner submits that the departmental enquiry was not at all conducted and the report submitted by the Enquiry Officer cannot constitute the basis for the show cause notice. He submits that non-participation of the petitioner in the enquiry was on account of the lapses on the part of the respondents.

Learned Standing Counsel appearing for the respondents, on the other hand, submits that the petitioner was extended all possible opportunities and she did not cooperate at any stage. He submits that the writ petition, against the show cause notice, is not maintainable.

Ever since the petitioner was transferred from the Head Quarter to Somasila, she did not care to follow the directions issued by the respondents. After waiting for two years, the respondents initiated disciplinary proceedings, and even this did not deter the petitioner from remaining indifferent. The very purpose of appointing the petitioner as a teacher (Physical Science) has been defeated. For all practical purposes, the petitioner did not render any work for the past three years, and as long as the petitioner holds the post, it is not possible for the respondents to appoint any other person. The object of establishing Gurukulam, the residential institutions, for the benefit of tribals, was totally defeated.

The record discloses that the petitioner consistently refused to take part in the enquiry, in the matter of submission of explanation or to appear before the Enquiry Officer. It is in no part of the service law that the progress in departmental enquiry must depend upon the readiness or preparedness of the delinquent employee. This Court does not find any basis to interfere with the impugned show cause notice.

The writ petition is accordingly dismissed. It is, however, made clear that in case the petitioner is of the view that she has not been supplied with the report of the Enquiry Officer, it shall be open to her to make a request in this regard. As a last chance, the petitioner is granted ten (10) days time to submit her explanation to the impugned show cause notice. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

5th JANUARY, 2006.

Note: furnish c.c. by tomorrow.

B/o

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